



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SACRAMENTO SESSION  
FEBRUARY 4 and 5, 2014**

**FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento, California, on February 4 and 5, 2014.

**TUESDAY, FEBRUARY 4, 2014—10:00 A.M.**

- |     |         |  |
|-----|---------|--|
| (1) | S173972 | Loeffler (Kimberly) et al. v. Target Corporation<br><i>(Moore, J., assigned justice pro tempore; Kennard, J., not participating)</i> |
| (2) | S200872 | Long Beach Police Officers Association v. City of Long Beach et al. (Los Angeles Times Communications LLC, Real Party in Interest)   |

**1:30 P.M.**

- |     |         |   |
|-----|---------|---|
| (3) | S206720 | In re Alonzo J.; People v. Alonzo J.                                    |
| (4) | S206771 | People v. Moffett (Andrew Lawrence) and                                 |
|     | S206365 | People v. Gutierrez (Luis Angel)<br><i>(consolidated cases)</i>         |
| (5) | S049626 | People v. Hajek (Stephen Edward) and Vo (Loi Tan)<br>[Automatic Appeal] |

**WEDNESDAY, FEBRUARY 5, 2014—9:00 A.M.**

- |     |         |  |
|-----|---------|--|
| (6) | S199339 | People v. Arriaga (Victor)   |
| (7) | S101984 | People v. Chism (Calvin Dion) [Automatic Appeal]   |
| (8) | S049741 | People v. Suff (William Lester) [Automatic Appeal]   |
| (9) | S115284 | People v. Trinh (Dung Dinh Anh) [Automatic Appeal]<br><i>(To be called and continued to the April 2014 calendar)</i> |

**CANTIL-SAKAUYE**

*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)



**SUPREME COURT OF CALIFORNIA  
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FEBRUARY 4 and 5, 2014**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, FEBRUARY 4, 2014—10:00 A.M.**

(1) *Loeffler (Kimberly) et al. v. Target Corporation, S173972 (Moore, J., assigned justice pro tempore; Kennard, J., not participating)*

#09-54 Loeffler (Kimberly) et al.v. Target Corporation, S173972. (B199287; 173 Cal.App.4th 1229; Superior Court of Los Angeles County; BC360004.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does article XIII, section 32 of the California Constitution or Revenue and Taxation Code section 6932 bar a consumer from filing a lawsuit against a retailer under the Unfair Competition Law (Bus. & Prof. Code §§ 17200 et seq.) or the Consumers Legal Remedies Act (Civ. Code, § 1750 et seq.) alleging that the retailer charged sales tax on transactions that were not taxable?

(2) *Long Beach Police Officers Association v. City of Long Beach et al. (Los Angeles Times Communications LLC, Real Party in Interest), S200872*

#12-41 Long Beach Police Officers Association v. City of Long Beach et al. (Los Angeles Times Communications LLC, Real Party in Interest), S200872. (B231245; 203 Cal.App.4th 292; Superior Court of Los Angeles County; NC055491.) Petition for review after the Court of Appeal affirmed an order denying a request for a preliminary injunction. This case presents the following issue: Are the names of police officers involved in on-duty shooting incidents subject to disclosure under the California Public Records Act?

**1:30 P.M.**

(3) *In re Alonzo J.; People v. Alonzo J., S206720*

#13-11 In re Alonzo J.; People v. Alonzo J., S206720. (C068046; 209 Cal.App.4th 1301; Superior Court of Sacramento County; JV130980.) Petition for review after the Court of Appeal



reversed orders in a juvenile wardship proceeding. This case presents the following issue: May a juvenile court accept a plea of no contest (Cal. Rules of Court, rule 5.778(e)) from a minor without the consent of the minor's counsel?

**(4) *People v. Moffett (Andres Lawrence, S206771 and S206365 People v. Gutierrez (Luis Angel)) (consolidated cases)***

Petitions for review after (1) the Court of Appeal for the Second Appellate District affirmed a judgment of conviction of criminal offenses, and (2) the Court of Appeal for the First Appellate District remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. In *Gutierrez*, the court limited review to the following issue: Does the sentence of life without the possibility of parole imposed on this juvenile offender under Penal Code section 190.5, subdivision (b), violate the Eighth Amendment under *Miller v. Alabama* (2012) \_\_\_ U.S. \_\_\_ [132 S.Ct. 2455]? *Moffett* presents the following issue: Did the Court of Appeal err in remanding for resentencing in light of *Miller v. Alabama, supra*, although Penal Code section 190.5, subdivision (b), does not mandate a sentence of life without parole for a juvenile convicted of a special circumstance murder?

**(5) *People v. Hajek (Stephen Edward) and Vo (Loi Tan), S049626* [Automatic Appeal]**

This matter is an automatic appeal from a judgment of death.

**WEDNESDAY, FEBRUARY 5, 2014—9:00 A.M.**

**(6) *People v. Arriaga (Victor), S199339***

#12-18 *People v. Arriaga*, S199339. (B225443; 201 Cal.App.4th 429; Los Angeles County Superior Court; A537388.) Petition for review after the Court of Appeal affirmed the denial of a motion to vacate a judgment of conviction of a criminal offense. This case presents the following issues: (1) Must a defendant obtain a certificate of probable cause in order to appeal the denial of a motion to withdraw a guilty plea for failure by the court or counsel to advise the defendant of the immigration consequences of the plea in accordance with Penal Code section 1016.5? (2) Can the People overcome, by a preponderance of the evidence, the presumption that advisements were not given or must the presumption be overcome by clear and convincing evidence?

**(7) *People v. Chism (Calvin Dion), S101984* [Automatic Appeal]**

This matter is an automatic appeal from a judgment of death.



(8) ***People v. Suff (William Lester), S049741*** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(9) ***People v. Trinh (Dung Dinh Anh), S115284 (To be called and continued to the April 2014 calendar)*** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.